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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 (SAN FRANCISCO HEADQUARTERS)

GIL CROSTHWAITE, JOHN BONILLA, in
 their respective capacities as Trustees of the
 OPERATING ENGINEERS HEALTH AND
 WELFARE TRUST FUND FOR
 NORTHERN CALIFORNIA; PENSION
 TRUST FUND FOR OPERATING
 ENGINEERS; PENSIONED OPERATING
 ENGINEERS HEALTH AND WELFARE
 FUND; OPERATING ENGINEERS AND
 PARTICIPATING EMPLOYERS PRE-
 APPRENTICESHIP; APPRENTICE AND
 JOURNEYMAN AFFIRMATIVE ACTION
 TRAINING FUND; OPERATING
 ENGINEERS VACATION AND HOLIDAY
 PLAN; OPERATING ENGINEERS
 CONTRACT ADMINISTRATION TRUST
 FUND; OPERATING ENGINEERS
 MARKET PRESERVATION FUND;
 OPERATING ENGINEERS INDUSTRY
 STABILIZATION TRUST FUND;
 BUSINESS DEVELOPMENT TRUST
 FUND; and HEAVY AND HIGHWAY
 COMMITTEE,

Plaintiffs,

vs.

K. M. JACKSON ENGINEERING, INC., a
 California corporation; and NEIL JEFFERY
 JACKSON, individually,

Defendants.

Case No.: C 06-4452 MHP

**STIPULATION TO VACATE DEFAULT
 JUDGMENT AGAINST DEFENDANT
 NEIL JEFFERY JACKSON AND FOR
 NEIL JEFFERY JACKSON TO ACCEPT
 SERVICE OF THE COMPLAINT**

STIPULATION TO VACATE DEFAULT JUDGMENT AGAINST DEFENDANT NEIL JEFFERY JACKSON
 AND FOR NEIL JEFFERY JACKSON TO ACCEPT SERVICE OF THE COMPLAINT;
 Case No. C 06-4452 MHP

1 Plaintiffs and Defendant NEIL JEFFERY JACKSON stipulate and agree to the
2 following:

3 1. Plaintiffs agree to set aside both the default entered by the Clerk against
4 Defendant Neil Jeffery Jackson on November 9, 2006 and the default judgment that was entered
5 by the Court against Defendant Neil Jeffery Jackson on February 28, 2007.

6 2. Defendant Neil Jeffery Jackson agrees to withdraw its motion to dismiss
7 complaint against Neil Jackson for Insufficiency of Service.

8 3. Stacey A. Jackson, Attorney for Defendant Neil Jeffery Jackson, is authorized to,
9 and agrees to accept service, by mail, of the Summons and Complaint on behalf of Defendant
10 Neil Jeffery Jackson.

11 4. Neil Jeffery Jackson agrees to respond to the complaint twenty days from the
12 date of service of the Summons and Complaint.

13 RESPECTFULLY SUBMITTED.

14 Dated this 4th day of May of 2007

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17 OPERATING ENGINEERS LOCAL UNION NO. 3
18 TRUST FUNDS - MULTI-SERVICES

19 By: Tracy L Mainguy
20 TRACY L MAINGUY
21 ATTORNEY FOR PLAINTIFFS

22 Dated this 3 day of May of 2007

23
24 THAYER, HARVEY, GREGERSON, HEDBERG &
25 JACKSON
26 By: Stacey A. Jackson
27 STACEY A. JACKSON
28 ATTORNEY FOR DEFENDANT
29 NEIL JEFFERY JACKSON

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STIPULATION TO VACATE DEFAULT JUDGMENT AGAINST DEFENDANT NEIL JEFFERY JACKSON
AND FOR NEIL JEFFERY JACKSON TO ACCEPT SERVICE OF THE COMPLAINT;
Case No. C 06-4452 MHP

ORDER

Based upon the foregoing stipulation, and pursuant to Federal Rule of Civil Procedure 15(a), it is hereby ordered that: (1) the default entered by the Clerk against Neil Jeffery Jackson on November 9, 2006 is set aside; (2) judgment entered by the Court on February 28, 2007 in the amount of \$122,910.88 against Defendant Neil Jeffery Jackson is vacated; (3) Defendant Neil Jeffery Jackson's motion to dismiss complaint against Neil Jackson for insufficiency of service is withdrawn; and (4) Defendant NEIL JEFFERY JACKSON will respond to the Complaint within twenty days of the date that the Complaint and Summons is served by mail on its Attorney, Stacey A. Jackson.

Dated: May 8, 2007

